

### REMARKS/ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments, and the following remarks. Claims 1-58 are in the application. Claims 1, 5, 6, 8, 17, 19, 21, 30, 34, 35, 46 and 50 have been amended. The specification has been amended. No new matter has been added.

Applicant appreciates the Examiner's indication of allowable subject matter, and the withdrawal of the restriction requirement.

The Examiner objected to the specification and to claim 5, 6, and 34 for informalities. Applicant has amended the specification and claims accordingly. Claims 8, 17, 19, 21, 35, 46 and 50 have also been amended to correct some typing errors.

The Examiner rejected claims 1-10 and 30-39 because the term "corrective function" was unclear. Applicant has deleted the term "corrective" as it is used on page 19 of the specification, to clarify that the corrective function of the claims is not  $f(C)$ , but the derivation of the transmural pressure.

The Examiner rejected claims 1-5, 9, 10, 30, 38 and 39 under 35 USC §102 as being anticipated by Nielsen et al and rejected claims 31-33 under 35 USC §103 as being unpatentable over Nielsen in view of Chesney et al. Applicant respectfully traverses.

Applicant has amended claims 1 and 30 to claim that the corrective function takes into account periodic fluctuations of said second reading. Support for this amendment can be found in the specification on pages 9-11.

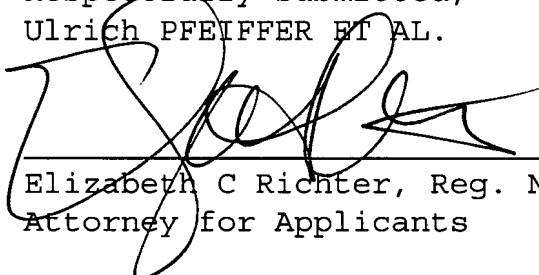
Nielsen describes calculating a parameter characterizing the left ventricular pumping action based on averaged values, not taking into account short term fluctuations: The mean arterial pressure (MAP) and the pulmonal arterial wedge pressure (PAWP). Contrary to the present invention as claimed in claims 1 and 30, Nielsen does not solve the underlying problem of determining parameters that characterize a patient's left ventricular pumping action without lessening the validity of measuring results through the effect of respiration and changing respiratory states. In fact, such influences may be averaged out to a certain degree by the method and apparatus disclosed by Nielsen

et al. In the present invention, continuous recording of the variable physiological second reading is provided, whereas in Nielsen, discontinuous recording would be sufficient to accomplish its goals. Combining Nielsen with Chesney would not lead to the present invention because neither reference takes into account periodic fluctuations of the second reading.

Accordingly, Applicant submits that claims 1-58 are patentable over the cited references, taken either singly or in combination. Early allowance of the claims is respectfully requested.

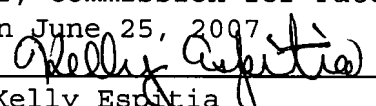
Respectfully submitted,  
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Enclosures: Copy of Petition for a Two-Month Extension of Time,  
Check in the amount of \$450.00

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop: AMENDMENT, Commission for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 25, 2007

  
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